IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:		Atty. Docket No.:	004770.02124
Mikkola Matti *et al.*			
Serial No.:	10/510,443	Group Art Unit:	2841
Filed:	April 14, 2005	Examiner:	Levi, Dameon E.
For:	HOST-SPONSORED DATA TRANSMISSION BILLING SYSTEM AND METHOD	Confirmation No.:	2141

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated August 5, 2009 ("Final Office Action"), and the Advisory Action dated December 7, 2009 ("Advisory Action"), Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited references. The specific errors relied upon in this Pre-Appeal Brief Request for Review include the following:

- Preliminarily, the Advisory Action erred in refusing to enter the amendments filed in Applicants' Amendment After Final dated November 24, 2009 ("After-Final Amendment"). In particular, the Advisory Action indicates that the amendments made in the After-Final Amendment raise new issues; however, the amendments merely incorporate features that were previously recited in dependent claims (e.g., claim 12) into the amended claims (i.e., claims 8, 19 and 26). Accordingly, the amendments made in the After-Final Amendment do not raise new issues.
- The Office erred in its rejection of claims 8, 9, 12, 13, 19, 20 and 22-29 as being anticipated by Richardson (U.S. Patent No. 6,646,864, "Richardson") as argued in Applicants' After-Final Amendment at pp. 5 and 6. For example, nowhere does Richardson teach or suggest that a first surface of a plastic object comprises a hollow having a shape of a symbol, wherein said symbol is visually perceptible through the second surface of the object when light is emitted from a side facing the first surface, as recited in claim 8. The Office Action analogizes elements 818 and 914 to the first surface and a hollow, respectively. Even assuming, without conceding that recesses 818 and 914 constitute a hollow and a first surface, there is still no teaching or suggestion in Richardson that touch screen 820 (i.e., the alleged light source) emits light ***from a side the first surface faces***. For example, Richardson lacks a teaching or suggestion of whether the recesses are recessed from the exterior or the interior of cover 804. In fact, nowhere does Richardson teach or suggest that recesses 818 and 914 include any surfaces at all (i.e., the recesses 818 and 914 may simply pass all the way through cover 804). It thus follows that Richardson also fails to teach or suggest that the recesses 818 and 914 (i.e., the alleged hollow) ***do not*** extend to the second surface (since there is no second surface), as also recited in claim 8. The Advisory Action fails to address these remarks despite these features being present in claim 8 irrespective of the amendments submitted in the After-Final Amendment. Claim 8 is thus allowable for at least these reasons.

- Claims 19 and 26 recite features similar to those discussed above with respect to claim 8 and are thus allowable for at least the same reasons as claim 8.
- Claims 9, 12, 13, 20, 22-25 and 27-29 are dependent claims and are thus allowable for at least the same reasons as their respective base claims and in view of the novel and non-obvious features recited therein. For example, claim 12 recites, *inter alia*, wherein a second surface of a plastic object is configured to reflect light. Contrary to the assertions of the Final Office Action, Richardson does not teach or suggest such a feature. That is, nowhere does Richardson teach or suggest that the second surface, located on the opposite of the plastic object with respect to the first surface, is configured to reflect light. The Final Office Action asserts that element 102 in Figs. 1-12 describe a second surface and that the phrase "configured to" only requires the ability to perform. P. 5. Even assuming, without conceding that the above assertions are valid, there is still no teaching or suggestion in Richardson of element 102 (i.e., the alleged second surface) having the ability to reflect light. Significantly, the Final Office Action draws no support from Richardson for this alleged ability of element 102 to reflect light. Thus, Richardson clearly fails to teach or suggest each and every feature of claim 12. Accordingly, claim 12 is allowable for at least these reasons.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office's consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 5th day of January, 2010

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